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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/459,342	12/13/1999	SHIGETOSHI SAMESHIMA	566.36161CX1	1055

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EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 10/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/459,342

Applicant(s)

SAMESHIMA ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 14, 17-20, 22, 23, 27 and 29-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 14, 17-20, 22, 23, 27 and 29-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 31 July 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s) _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claims 11, 14, 17-20, 22, 23, 27, and 29-38 are presented for examination.

Claims 11, 20, 22, 27, 29, 31, 33, 35, and 38 have been amended in this communication filed 07/31/02, entered as Amendment E, paper no. 18.

2. The Request for Extension of Time filed 07/31/02 entered as paper no. 17.

3. The Letter to the Draftsman filed 07/31/02 has been considered and entered as paper no. 19. The Drawings have been reviewed and considered by the Examiner and still remain objected to for minor informalities.

4. The Substitute Specification filed 07/31/02 has not been entered. The Substitute Specification filed 07/31/02 has been considered and reviewed and is still objected to because the Substitute Specification contains minor informalities. See the Specification Objections below.

5. The claim objections to claims 22, 27, 33, and 38 are hereby withdrawn in view of Applicants' amendment to claims 22, 27, 33, and 38.

Specification

6. The Specification (Description of Preferred Embodiments) is objected to because in the Description of the Related Art on page 3, line 20 there is a long space prior to the next line (21), (Summary of The Invention) page 13, line 2, page 15, line 8, page 16, line 9, page 17, line 6, page 20, line 19, page 24, lines 10 and 24, page 28, lines 10, 12, and 25, page 33, line 17, page 34, line 17, and page 35, line 2 have a similar problem.

Page 23, line 15 refers to Fig. BA is executed (step 667). The Examiner does not

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understand what Applicants' are referencing as Fig. BA. Page 27, line 13, Fig. i 2C is referenced. The Examiner does not understand what Applicants' are referencing as Fig. i 2C. Correction is required. See MPEP § 608.01(b).

Drawings

7. The drawings are objected to because: fig. 9, step 611 is missing in the drawing figure, fig. 13, step 1026 is missing in the drawing figure, and fig. 16, step 1321 is still missing (not shown) in the drawing figure. Correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 11, 14, 17-20, 22, 23, 27, and 29-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,953,046) Pocock.

With respect to claims 11, 20, 29, and 31, Pocock teaches, an information transmission device for transmitting plural items of information via transmission media to a plurality of information destination devices (col. 1, lines 21-39) the information transmission device comprising: storage means for storing the plural items of information and plural sets of data for respective ones of the plural items of information, each one of the plural sets of data including an event indicative of a change of situation in or related to the plural items of information, identification data for identifying information to be transmitted in response to the event, and transmission destination data indicative of one of the plurality of information destination devices to which a

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corresponding one of the plural items of information is to be transmitted (col. 1, lines 39-62, col. 2, lines 7-29, col. 3, lines 2-17, and col. 4, lines 40-51) and transmission means for transmitting via the transmission media one of the plural items of information identified by the identification data corresponding to the event detected by the detection means to one of the plurality of information destination devices is designated by the transmission destination data corresponding to the event (col. 5, lines 57-67 and col. 6, lines 1-62). Pocock did not explicitly teach a detection means for detecting that the event has occurred but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a detection means for detecting that the event has occurred and in view of Pocock's teaching of a multiplexed channel for transmitting and a video image at the user's end that corresponds to a full motion video and to modify in Pocock because such a modification would allow Pocock to have an efficient system for providing the transmission and reception of presentations and the ability to know whether the presentations have been transmitted.

With respect to claim 20, Pocock teaches, identification data for identifying information to be transmitted in response to the event, and transmission destination data indicative of one of the plurality of information destination devices to which a corresponding one of the plural items of information is to be transmitted (col. 1, lines 21-62, col. 2, lines 7-39, col. 3, lines 7-17 and col. 4, lines 40-51, col. 5, lines 30-67, and col. 6, lines 1-35 and lines 46-62), detecting that the event has occurred, the event being indicative of a change of situation in or related to the plural items of information (col. 10, lines 56-65).

With respect to claim 29, Pocock teaches, wherein the event is a modification of at least one of the plural items of information, wherein the transmission means transmits a modified one of the plural items of information (col. 11, lines 8-29).

With respect to claim 14, this dependent claim is rejected for the similar rationale given for claim 29

With respect to claim 17, the event is a transmission of data from at least one of the plurality of information destination devices to the information transmission device (col. 4, lines 15-39).

With respect to claim 18, the plural items of information is information indicative of a current situation of a facility which contains plural parts and performs a predetermined process and wherein one of the plurality of information destination devices to which one of the plural items of information is transmitted is a controller which uses one of the plural items of information transmitted to control the predetermined process of the facility (col. 4, lines 40-67 and col. 5, lines 1-7).

With respect to claim 19, means for deciding whether the event detected relates to the information handled by at least one information processing device (col. 6, lines 8-24) and the transmission means, when the event is judged as relating to the information, transmitting the information identified by the identified data (col. 6, lines 25-34).

With respect to claim 22, the event is a transmission of information via the transmission media from at least one of the plurality of information destination devices to the information transmission device and wherein the transmitting step includes a step of transmitting information associated with one of the plural items of information to be transmitted (col. 1, lines 27-42, col. 7, lines 50-61, and col. 9, lines 4-17).

With respect to claim 23, the event is a modification of at least one of the plural items of information (col. 12, lines 15-38).

With respect to claim 27, the plural items of information are information indicative of a current situation of a facility which contains plural parts and performs a

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predetermined process and the transmission step includes a step of transmitting one of the plural items of information to be transmitted (col. 6, lines 13-45 and col. 9, lines 49-67). Pocock did not teach a controller which controls the predetermined process of the facility, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a controller which controls the predetermined process of the facility and to modify in Pocock because such a modification would allow Pocock's system transmit a video signal over a suitable transmission medium such as a CATV system.

With respect to claim 30, the event elapses at predetermined time intervals (col. 4, lines 26-39 and col. 9, lines 18-36).

With respect to claim 31, this independent claim is rejected for the similar rationale given for claims 20 and 29.

With respect to claim 32, this dependent claim is rejected or the similar rationale given for claims 29 and 31.

With respect to claim 33, Pocock did not teach a computer program, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a computer program and to modify in Pocock because such a modification would allow Pocock to have a set of instructions in a computer language intended to be executed on a computer to perform the steps of claim 33. A computer program is well known in the art.

This claim is also rejected for the similar rational given for claims 11, 20, 29, and 31.

With respect to claim 34, this dependent claim is rejected for the similar rationale given for claim 31.

With respect to claim 35, this independent claim is rejected for the similar rationale given for claims 11, 20, 29, 31 and 33.

With respect to claim 36, this dependent is rejected for the similar rationale given for claim 31.

With respect to claim 37, this dependent is rejected for the similar rationale given for claim 27.

With respect to claim 38, this dependent claim is rejected for the similar rationale given for claim 30.

Response to Arguments

10. Applicant's arguments filed 07/31/02 have been fully considered but they are not persuasive.

1. Applicants' argue: Pocock does not teach or suggest the features of the present invention such as the "plural sets of data for respective ones of the plural items of information are stored such that each of the plural sets of data includes an event indicative of a change of situation in or related to the plural items of information, ID corresponding to the event, and transmission destination data indicative of an information destination device to which the plural items of information are to be transmitted and such pre-stored information is not clearly taught or suggested by Pocock has been considered but is not deemed persuasive for the following reason: The Examiner does not interpreted as being taught or disclosed by the claim language of Applicants' claims, in particular, "the pre-stored information." Pocock is interpreted as teaching plural sets of data for respective ones of the plural items of information that are stored such that each of the plural sets of data includes an event indicative of a change of situation in or related to the plural items of information in col. 1, lines 39-62 ("frame stores are positioned at various locations along the length of the transmission medium,

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and each is provided with a match code ... with the match code of a particular frame store, that frame store identifies the frame, stores it in memory.” “... respond to motion television presentations as well as still-frame video presentations. In its transmitted form, the video presentation could comprise an analog video signal or digitally encoded video data” in col. 4, lines 19-24, ID corresponding to the event in col. 1, lines 42-46 (“... match code or a particular frame store, that frame store identifies the frame ...”), and transmission destination data indicative of an information destination device to which the plural items of information are to be transmitted in col. 4, lines 40-42 (“... each image is sent (transmitted) in a data block (destination data) that corresponds to one field or frame.” “... a single disk storage system 44 ... separate disk storage systems could be respectively associated with the audio subsystem and video subsystem” (destination device to which the plural items of information are to be transmitted) in col. 8, lines 34-39.

2. Applicants’ argue: Pocock does not provide any specific teaching or suggestion of the pre-storage of information regarding a particular event which is to trigger the distribution of the particular items of information, and ID identifying information to be transmitted in response to one of a plurality of information destination devices to which the plural items of information corresponding to the ID to be transmitted as recited in the claims has been considered but is not persuasive because it is not interpreted that the feature “the information is pre-stored regarding a particular event which is to trigger the distribution of the plural items of information” is disclosed or suggested in Applicants’ claim limitations.

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Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

"An ID identifying information to be transmitted in response to one of a plurality of information destination devices to which the plural items of information corresponding to the ID to be transmitted" has been discussed in argument 1, *supra*.

3. Applicants' argue: The request taught by Pocock is not a triggering event which is constantly being monitored as in the present invention and according to the present invention" information regarding a particular event is pre-stored and monitoring is performed on events as they occur to detect whether an event corresponding to the pre-stored event has occurred is not clearly taught or suggested by Pocock has been considered but is not persuasive based on the Examiner does not interpret the claim language in Applicants' claims as disclosing or suggesting these features.

4. Applicants' argue: there is no teaching or suggestion in Pocock that the still frame interactive video services are transmitted to a destination predefined by the still interactive video services as in the present invention has been considered but is not persuasive because it is interpreted that the claim language does not indicate or suggest "a detected trigger". Pocock does teach the still frame ... transmitted to a destination predefined by the still frame ... in col. 1, lines 46-51 ("the continually transmitted frame appears as a still frame on the viewer's television receiver" (transmitted to a destination).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for Official communications and 703-746-5622 for Non-Official communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



E. Colbert
October 15, 2002


VINCENT MILLIN
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